PATENT

Atty Docket No.: 200313156-1
App. Ser. No.: 10/673,134

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1 and 27 have been amended. Currently, claims 1-30 are pending in the present application of which claims 1, 15, and 27 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Claims 1-5 and 7-30 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wareham et al. (U.S. Patent Application Number 2004/0075343). The above rejections are respectfully traversed for at least the reasons set forth below.

Drawings and Information Disclosure Statement

At the outset, the indication that the drawings have been accepted is noted with appreciation.

Claim Objections

The Office Action indicates that claim 6 is objected to but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. The Applicants assert that claim 1, as amended, is allowable over the prior art of record. Claim 6 ultimately depends from claim 1 and is allowable at least by virtue of its dependency. The Examiner is therefore respectfully requested to withdraw the objection to claim 6.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-5 and 7-30 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wareham et al. This rejection is respectfully traversed because the claimed invention as set forth in claims 1, 15, 27, and the claims that depend therefrom are patentably distinguishable over Wareham et al.

Claim 1 recites "controlling the load demand on the at least one power system component to be substantially equal to the determined new load demand and the load demand on the at least one other functioning power system component." Claim 15 recites "a load manager controlling load demands on the first set of the power system components based on a load balancing scheme." Claim 27 recites "means for controlling the load demands on the plurality of power system components to be substantially equal to the determined new load

demands such that the new load demands on the plurality of power system components are balanced." Wareham et al. fails to teach these features.

Warcham et al. discloses a system for power load management. The system discloses a single power supplier, either a service power connection or an alternate power source, supplying power through an electrical distribution panel. The system also includes load control switches for controlling the load supplied by the electrical distribution panel. Wareham et al.'s disclosure is directed to controlling the load through the electrical distribution panel in order to ensure that an over current condition is not imposed on the alternate power source or the power service connection. Warcham et al. fails to disclose any component or method for balancing loads between two or more power system components.

The rejections of the independent claims cite paragraph 59 of Wareham et al. to teach load balancing. However, this passage discloses that loads are prioritized. If a capacity is exceeded, a load control algorithm maximizes a user convenience by maintaining high priority loads and shedding low priority loads. For example, certain household loads may be given higher priority then other household loads, and the lower priority loads may be disconnected first if a capacity is exceeded. See paragraph 29, lines 1-7. However, the load demands on power system components are not balanced or made substantially equal. Shedding a load when a capacity is exceeded prevents an overload situation but does not balance loads or make loads substantially equal. If this rejection is maintained the Examiner must indicate what teaching in Wareham et al. discloses load balancing or making loads substantially equal.

In addition, claim 1 recites, "determining a new load demand to be placed on the at least one power system component based on a load demand on at least one other functioning

power system component of the plurality of power system components." The rejection fails to indicate which components of Wareham et al. are the plurality of power system components. Furthermore, Wareham et al. discloses determining a load demand on one power system component, such as a load demand on a power provider or generator. See paragraph 59, line 4. If the load demand exceeds a limit then a load is shed, such as a low priority load. Wareham et al. fails to teach determining a new load demand to be placed on the at least one power system component based on a load demand on at least one other functioning power system component. Instead, the new load demand is created by shedding a load and is equal to the remaining unshed loads. The new load demand is not determined based on a load demand of another functioning power system component. Furthermore, Wareham et al. fails to teach determining a new load to be placed on the power system component. No determination on an amount of load to be placed on a power system component is taught.

Claim 3 recites, "dividing the total load demand substantially equally among the plurality of power system components." This feature is not taught by Wareham et al. Claim 7 recites, "determining whether a request to change the load demand of the at least one power system component is received." No requests to change a load demand are received in Wareham et al. Claim 9 recites a load balancing scheme not taught by Wareham et al. The data center in claim 13 is not taught by Wareham et al. Claim 17 recites, "modeling the power system in different states." Claim 21 recites, "the fast transfer load transfer device controlling load demand on the one power system component in response to detecting an over loading on the one power system component." Claim 30 recites "fast load transfer means". These features of claims 17, 21, and 30 are also not taught by Wareham et al. If the rejection

applying Wareham et al. is maintained for any of these dependent claims, the Examiner is requested to specifically indicate which components of Wareham et al. teach these features.

For at least the reasons described above, Wareham et al. fails to teach all of the features contained in claims 1-5 and 7-30, and claims 1-5 and 7-30 are believed to be allowable.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Keith Istvan FARKAS et al.

Dated: May 9, 2005 By

Ashok K. Mannava
Registration No.: 45,301

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3822
(703) 880-5270 (facsimile)